

McGuireWoods LLP  
355 S. Grand Ave.  
Suite 4200  
Los Angeles, CA 90071-2036  
Phone: 310.315.8226  
Fax: 213.627.2579  
www.mcguirewoods.com

Laura G. Brys  
lbrys@mcguirewoods.com

McGUIREWOODS

May 11, 2016

Emily Albano  
Freedom of Information Officer  
United States Environmental Protection Agency, Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219  
Albano.emily@epa.gov

Re: *Southeast Missouri Mining District Superfund Site ("SEMO"), St. Francois  
County - EPA ID # MOD981126899*

Dear Ms. Albano:

Pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and the United States Environmental Protection Agency's ("EPA") FOIA regulations, 40 C.F.R. Part 2, ASARCO LLC ("Asarco"), by and through its counsel, McGuireWoods LLP, hereby requests the release of the following documents and information associated with the Southeast Missouri Mining District Superfund Site in St. Francois County (the "Site"):

1. All documents reflecting any activity on any account containing monies provided by Asarco for the Site pursuant to the Settlement Agreement Regarding the Southeast Missouri (SEMO) Sites in *In re ASARCO LLC*, U.S. Bankr. No. 05-21207 (S.D. Tex.). This request includes, but is not limited to billings to the site, actual and planned expenditures, and deposits to the account. Asarco requests all documents that reflect the descriptions, locations, payees, cost codes, project codes, operable units and dates of said account activity.

For purposes of these requests, "document" refers to any electronic, written, graphic, video, or audio matter, however produced or reproduced, whether draft or final versions, and including but not limited to correspondence, e-mails, notes, interoffice communications, reports, memoranda, minutes, summaries, telephone records, telephone message logs or slips, PowerPoint presentations, meeting agendas, transcripts, call lists, spreadsheets, maps, photographs, data compilations, *Vaughn* indices, privilege logs, or calendars.

In responding to these requests, EPA's search should encompass, but should not be limited to: (a) documents sent to or from email addresses used by current or former EPA employees and representatives, regardless of whether such addresses are private or secondary addresses of official addresses; (b) documents generated for any meeting which EPA participated

or conducted, including agendas, spreadsheets, PowerPoint presentations, and notes; (c) documents relating to or evidencing presentations made by any party to agencies or entities or than EPA; (d) documents addressing the timing of EPA disclosures of information to Asarco or the public; and (e) documents describing non-public meetings and other communications between EPA and any non-governmental parties.

With respect to these requests, EPA need not provide Asarco with duplicative copies of documents to the extent the same document is located in more than one location. EPA should, however, produce *in toto* any document and its accompanying attachments.

### FOIA Exemptions

Should you decide to invoke a FOIA exemption with regard to any of the requested records, please include in your full or partial denial letter sufficient information to appeal the denial. See 5 U.S.C. § 552(a)(6)(A)(i), (a)(6)(F). To comply with legal requirements, the following information must be included:

1. Basic factual material about each withheld item, including the originator, addressees and recipients, date, length, general subject matter, and location of each item; and
2. Explanations and justifications for the denial, including identification of the category within the governing statutory provision under which the document (or portion thereof) was withheld and a full explanation of how each exemption fits the withheld material.

If you determine that portions of a record requested are exempt from disclosure, please redact the exempt portions, identify and describe the withheld portions, specify the applicable exemption, and provide the remainder of the record. See 5 U.S.C. § 552(a)(6)(A)(i), (a)(6)(F), (b).

### Timing and Mechanics of Production

We request that in responding to this letter, EPA comply with all relevant deadlines and other obligations set forth in FOIA and EPA's regulations, and we look forward to receiving your response within 20 working days. 5 U.S.C. § 552(a)(6)(A)(i); 40 C.F.R. § 2.104. Given the limited nature of the request, Asarco does not agree to any extension of time for the response beyond the statutory deadlines. Please produce records as soon as possible, on a rolling basis; the search for—and deliberation concerning—certain documents should not delay the production of others that EPA has already retrieved and could turn over. Please note that Asarco is interested in working with EPA to ensure that the burden associated with this FOIA request is minimized to the extent practicable, including discussing phased or prioritized document productions.

We understand that there may be fees and costs associated with this request, and we agree to pay any fees or costs up to \$200.00 associated with making these materials available to us. If the costs will be in excess of \$200.00, please advise me before such costs are incurred.

May 11, 2016

Page 3

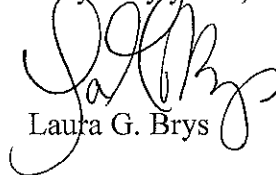
Notwithstanding the above, Asarco does not agree to pay any costs to upload or add these records to the Superfund Document Management System.

We prefer to receive electronic documents, and not paper copies, whenever possible. To the extent possible, we request that EPA provide the requested information in searchable, electronic format on CD, DVD, or external hard drives of sufficient size to contain the production. Electronic files should be provided in their original format, not in PDF containers. Individual e-mails, and their attachments, should be maintained as single msg files. If this is not possible, then e-mails and their attachments should be provided in either PST or NSF containers, thereby preserving all attachments information. Asarco would be happy to provide a hard drive for the records if that is more efficient. We are also amenable to making arrangements for an outside vendor to copy the records identified as responsive to this request.

In responding to the present letter, please mail copies of all requested documents, indices and logs, and any invoice for reasonable FOIA fees to the undersigned at McGuireWoods LLP, 355 S. Grand Ave. Suite 4200, Los Angeles, California, 90071.

Thank you for your assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Laura G. Brys', written over the typed name.

Laura G. Brys